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COMMISSIONER FOR PATENTS  
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Alexandria, VA 22313-1450



Docket No.: 478,1075  
Date: March 2, 2007

*JAW*

In re application of: David MORTON, et al.  
Application No.: 10/571,146  
Filed: March 9, 2006  
For: DRY POWDER COMPOSITION COMPRISING CO-JET MILLED PARTICLES FOR PULMANORY INHALATION

Sir:

Transmitted herewith is an **Information Disclosure Statement (2 pages)** in the above-identified application.

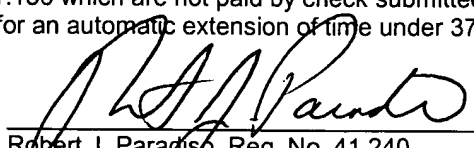
- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- ☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- ☐ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:

- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136
  - ☒ Other: - **Form PTO-1449 (1 page)**  
- **Copy of WO 2004/060344 (45 pages)**  
- **Return Receipt Postcard**

- ☐ Check(s) in the amount of is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
  - ☐ Petition fee for extension under 37 C.F.R. 1.136
  - ☐ Other:

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☐ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
Robert J. Paradiso, Reg. No. 41,240  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 2, 2007.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Oleg Ioselevich

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: David MORTON *et al.*  
Serial No.: 10/571,146  
Filed: March 9, 2006  
For: **DRY POWDER COMPOSITION COMPRISING CO-  
JET MILLED PARTICLES FOR PULMONARY  
INHALATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 2, 2007

**INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.56**

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application.

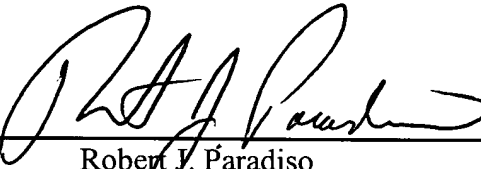
Pursuant to 37 C.F.R. § 1.98 (a), a copy of the document listed in the FOREIGN PATENT DOCUMENTS section of the accompanying Form PTO-1449 is enclosed.

It is respectfully requested that the documents listed on the accompanying Form PTO-1449 be considered and made of record.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (b), before the mailing of a first Office Action on the merits. Accordingly, it is believed that no fee is due. In the event any additional fee is due in connection with the filing of this Information Disclosure

Statement, the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Robert J. Paradiso  
Reg. No. 41,240

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940

FORM PTO-1449

(REV. 7-86)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.: 478.1075

SERIAL NO.: 10/571,146

## LIST OF PRIOR ART CITED BY APPLICANT

APPLICANT(S): David MORTON et al.

FILING DATE: March 9, 2006

GROUP: 1616

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	20	04	01	21	0	0	3	06/24/04	Chickering et al.	424	489	
	AB	20	05	00	79	1	3	8	04/14/05	Chickering et al.	424	489	
	AC	20	06	00	93	6	7	8	05/04/06	Chickering et al.	424	489	
	AD	20	06	00	93	6	7	7	05/04/06	Chickering et al.	424	489	
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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO
	AQ	20	04	06	0	3	4	4	07/22/04	WO	A61K	9/00		

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER	DATE CONSIDERED
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.